

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 366 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

LEGAL HEIRS OF DECD. MANSURI FAZALBHAI MOHMAD

Versus

MUSTAFAHUSEIN GULAMHUSEIN MANSURI

Appearance:

MR SURESH M SHAH for Petitioners

MR DK ACHARYA for Respondent No. 1

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 24/09/1999

ORAL JUDGEMENT

1. Rule. Mr. D.K. Acharya, learned advocate waives service of rule.

2. After having heard learned advocate Mr. Suresh M. Shah for revision petitioners i.e., original tenants and learned advocate Mr. D.K. Acharya for respondent i.e., original landlord, the decree of eviction recorded by the lower appellate court is modified and it shall

stand modified on following terms:

- (i) the decree of eviction recorded by the lower appellate court is confirmed subject to modification that it will not be executed by the original landlord during the life time of petitioner No.1, Nurbibi Fazalbhai;
- (ii) Petitioners herein shall not transfer, alienate or create any charge in the suit premises by inducting any third party or sub-tenant in the suit premises;
- (iii) During the life time of petitioner No.1, Nurbibi Fazalbhai, rent, mesne profit, cost and future rent of the suit premises shall not be recoverable from the petitioners;
- (iv) After 40 days of death of petitioner No.1, Nurbibi Fazalbhai, peaceful possession of the suit premises will be handed over by petitioner No.2 to respondent - original landlord.

With the aforesaid modification, Rule is made absolute to the aforesaid extent. No order as to costs.

(karan)